



# **The Utah Labor Commission**

**FY04**

**Annual Report**

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## LETTER OF INTRODUCTION

**W**e thank Governor Walker, former Governor Leavitt, and members of the legislature for their commitment to and support of our efforts to provide services to the citizens of the state of Utah. We welcome the opportunity to provide this report and hope you are encouraged to learn more about the Labor Commission through its contents.

State government faced considerable challenges through the economic difficulties of the past year. Budget cuts forced reductions in staff, and it became necessary to curtail programs and services. Our staff was called on to do more with fewer resources. We are proud of their efforts and applaud them and express appreciation for their commitment and competence. Their dedication has made the governor's challenge to achieve a new level of performance a reality. We believe this commitment to excellence in all we do is reflected in the accomplishments outlined on the following pages. This report is intended to convey an overview of the Labor Commission, our program priorities, a brief budget summary, and other pertinent information.

As we work together to incorporate the changes that have been initiated in the past year, we have concluded that the future of the working environment in Utah looks very positive. We will continue to take the necessary steps to serve the people of the state.

We would be pleased to send you any additional information on any subject detailed in this report. We look forward to a continued cooperation and consultation with both the public and private sector which has proven so beneficial and successful in the past.



R. Lee Ellertson  
Commissioner



Alan L. Hennebold  
Deputy Commissioner



**R. Lee Ellertson**  
Commissioner



**Alan L. Hennebold**  
Deputy Commissioner

## **MISSION STATEMENT**

**The Mission of the Utah Labor Commission is to serve the people of the state by assuring a safe, healthful, fair, non-discriminatory work environment; to assure fair housing practices; and to promote the general welfare of the state's employees and employers without needless interference.**

## UTAH LABOR COMMISSION BUDGET SUMMARY

## FY2003

### REVENUES:

General Funds	4,262,400.00
General Funds, Restricted (WPS)	618,900.00
Employers' Reinsurance Fund	133,500.00
Uninsured Employers Fund	754,800.00
MSHA	139,600.00
EEOC	273,200.00
HUD (Fair Housing)	345,200.00
Bureau of Labor Statistics	48,100.00
OSHA 23g (compliance)	1,222,900.00
OSHA 21d (consultation)	416,700.00
<b>TOTAL REVENUES</b>	<b><u>8,215,300.00</u></b>

### EXPENDITURES:

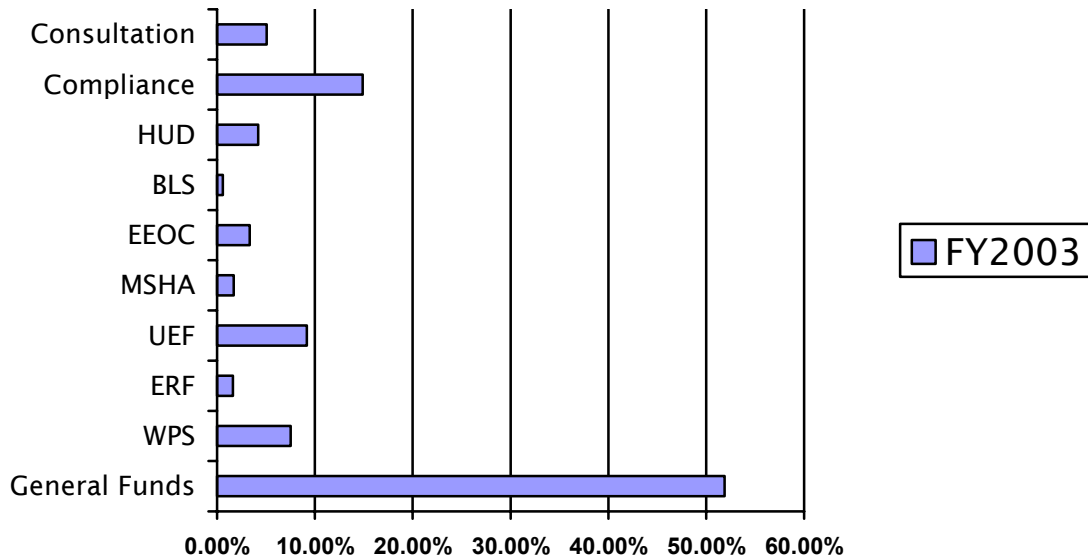
Administrative Services	1,636,700.00
Industrial Accidents	944,800.00
Appeals Board	10,600.00
Adjudication	715,800.00
Safety	968,300.00
Workplace Safety	420,900.00
Antidiscrimination/Labor	1,104,000.00
UOSH	2,274,900.00
HMW Bld. Operations & Maintenance	139,300.00
<b>TOTAL EXPENDITURES</b>	<b><u>8,215,300.00</u></b>

### EXPENDITURES BY CATEGORY:

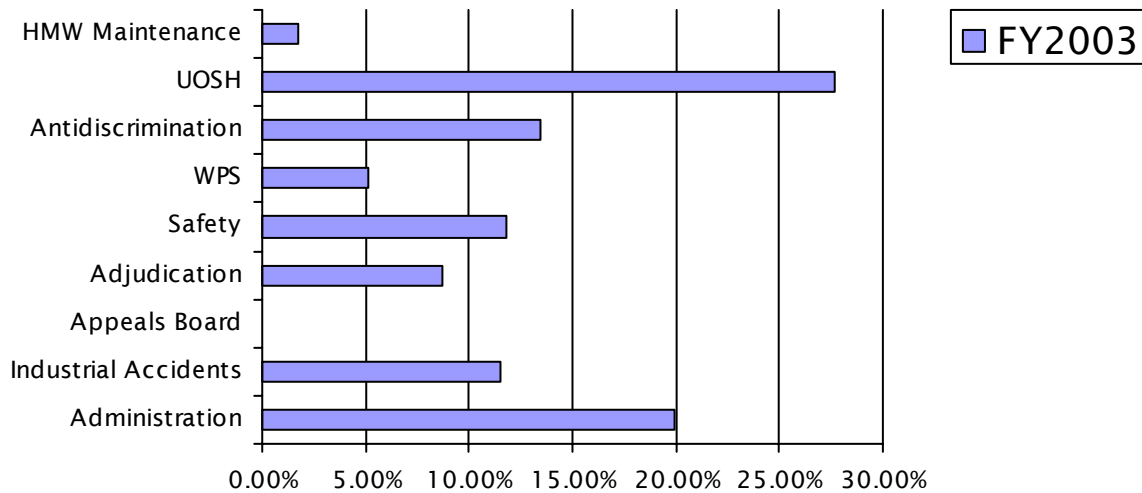
Salaries & Benefits	6,818,500.00	83.00%
Travel Costs	94,500.00	1.15%
Current Expenses	840,200.00	10.23%
Data Processing Current Expenses	131,100.00	1.60%
DP Capital Outlay Costs	9,000.00	0.11%
Pass Through Funds	322,000.00	3.92%
<b>TOTAL EXPENDITURES BY CATEGORY</b>	<b><u>8,215,300.00</u></b>	<b><u>100%</u></b>

# UTAH LABOR COMMISSION BUDGET SUMMARY

## REVENUES (percent of total)



## EXPENDITURES (percent of total)



## UTAH LABOR COMMISSION OVERVIEW

The Utah Labor Commission is a multi-division department directed by a commissioner who is appointed by the governor. The Commissioner oversees the various functions of the divisions within the Commission.

### **Labor Commission Divisions**

Administrative Division  
Adjudication Division  
Antidiscrimination/Labor Division  
Industrial Accidents Division  
Information Technology Division  
Legal Division  
Safety Division  
Utah Occupational Safety & Health Division

The Commission is advised by several boards made up of voting and non-voting members representing both employers and employees.

The Workers' Compensation Advisory Council, and Utah Anti-Discrimination Advisory Committee all play active roles in advising the Commission on issues regarding legislation, rules, and enforcement of the statutes administered by the Commission.

### **Statutes Administered by The Utah Labor Commission**

Utah Labor Laws, Title 34  
Utah Antidiscrimination Act, Chapter 5, Title 34A  
Workers' Compensation Act,

Chapter 2, Title 34A  
Utah Occupational Disease Act,  
Chapter 3, Title 34A  
Utah Boiler Inspection Law, Chapter 7, Title 34A  
Utah Occupational Safety & Health Act, Chapter 6, Title 34A  
Utah Injured Worker Reemployment Act, Chapter 8, Title 34A  
Coal Mining Laws, Chapter 2, Title 40  
Utah Fair Housing Act, Chapter 21, Title 57  
Administrative Rules, R600 through R616

### **Future Goals:**

- Develop and implement a comprehensive plan of communication to aid in educating and informing the public, employees, and employers of available services.
- Continue to examine and redesign organizational structure and workflow to assure that outcomes meet current and future needs.
- Continue to investigate and implement appropriate technology to improve efficiency and provide better customer service.
- Promote an environment that values employee participation, productivity, innovation and job satisfaction.
- Examine current and alternative sources of funding.





## ADJUDICATION DIVISION

Richard Lajeunesse is the Director of the Adjudication Division. Mr. Lajeunesse received his B.A. degree from the University of Utah and his Juris Doctorate degree from Drake University where he graduated with honors and was an editor of the Drake University Law Review. He began practicing law in Des Moines, Iowa, with an emphasis on civil litigation. He came to the Commission in 1995.

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**Mission Statement:** To conduct all formal proceedings of the Utah Labor Commission concerning all aspects of employment-related law in a fair, efficient, and effective manner.

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### Primary Functions

The Adjudication Division conducts all formal or complex administrative hearings of the Commission concerning all aspects of employment law. This includes workers' compensation, accidental injury and occupational disease, employment discrimination, wage, fair housing, labor relations, occupational safety and health, boiler and elevator safety, miner's certification and workers' compensation insurance compliance actions.

### Accomplishments

Throughout 2003, the Division has continued to provide many timely judgments with no additional staff,

despite a steady increase in the workload. Accomplishments include:

- Implementing phase one of the Adjudication Case Management computer system (SPUD) to replace the old judge system. Phase one consists of the actual case management component together with document generation functions, and docketing functions.
- Conducting 265 hearings; resolving 616 cases by approval of settlement documentation; resolving 208 cases by issuance of Orders on Merits; and resolving 301 cases by issuance of Orders on Motions.

Case Activity During the Calendar Year 2003	
Total open case load at the end of 2003	2492
Total combined new cases in 2003	1524
Total evidentiary hearings conducted	357
Total hearings on motions or pre-hearing conferences conducted	68
Findings of Fact, Conclusions of Law, and Orders issued	351
Interim Findings of Fact, Conclusions of Law, and Orders issued	248
Orders issued resolving cases on procedural motions	508
Medical panel referrals	165
Orders issued approving settlement agreements on pending cases	945
Orders issued approving settlement cases pre-litigation	497
Compensation agreements approved	230
Death case dependent orders issued	290



## ADMINISTRATION DIVISION

C. Gordon Linnett started with the state in 1973 as an Internal Auditor with the Utah Department of Transportation. He was hired by the Industrial Commission of Utah as an Accounting and Budget Officer in 1979 and is currently serving the Labor Commission as the Director of Administrative Services. Mr. Linnett has a BS in accounting and an MPA from Brigham Young University and is also a Certified Public Manager.

**Mission Statement:** To provide support and assist the divisions and employees of the Utah Labor Commission to serve the people of the state.

### Primary Functions

The Administration Division is basically a staff service division and its main function is to provide support to all other divisions and staff.

The Division provides support services in budgeting, accounting, personnel, payroll, travel, purchasing, and information technology. Combining staff functions under one division eliminates the need to duplicate the services in each division.

The Workplace Safety Program is also overseen by Administration. The Utah Legislature appropriated funds generated from a ¼ % of workers' compensation premiums paid by Utah employers. The program is part of the Commission's on-going media campaign to "Take Safety Seriously".

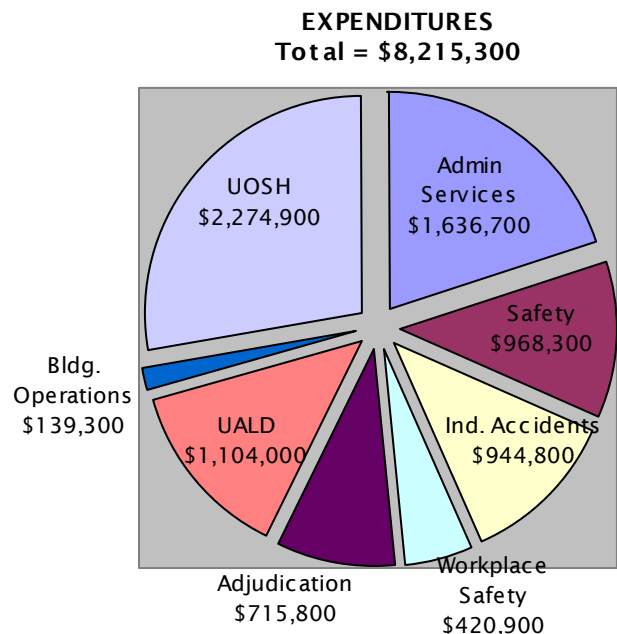
Also included within the division are Information Technology Services (ITS) and Legal Counsel which function as separate programs.

### Accomplishments

- Upgrading computer equipment and technology to

keep pace with new applications and program demands.

- Providing better customer service to the public by providing direction, support, monitoring and accountability for all divisions.
- Oversee the eight million dollar budget of the Labor Commission with expenditures as shown below:





## ANTIDISCRIMINATION & LABOR DIVISION

Sherrie Hayashi graduated from the University Of Utah College Of Law and is an attorney licensed to practice in the State of Utah. Ms. Hayashi was formerly Associate General Counsel for the Labor Commission. She also served as Fair Housing Coordinator for the State of Utah where she developed, implemented and managed a new program for the enforcement of state and federal housing laws.

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**Mission Statement:** To provide education, investigation and mediation in the resolution of wage claims, child labor issues, working conditions for employees, and allegations of employment and housing discrimination.

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### Primary Functions

The Antidiscrimination & Labor Division is organized into two primary sections: Employment Standards Bureau and Employment/Housing Discrimination. The Division also has an Alternative Dispute Resolutions Unit that manages a highly effective mediation program for the Division to resolve employment and housing discrimination cases and unpaid wage claims. The Division is also implementing a strong education and outreach program to educate housing providers, lenders, realtors, bankers, employers, employees, home seekers, and the general public about both rights and responsibilities under the various laws enforced by the Division.

#### Employment Standards Bureau:

The Division is responsible for the administration and enforcement of the Utah Minimum Wage Act, Payment of Wages, Employment of Minors and Employment Agencies chapters of the Utah Labor Code. The Employment Standards Bureau (ESB) functions to inform the public of their rights and responsibilities under the Utah Labor Code, accept and resolve complaints related to unpaid wages, minimum wage, and employment of minors. ESB

also strives to insure that wages and benefits due an employee are paid in a timely manner. The Division works cooperatively with appropriate county attorneys and contracts with a private collections attorney to assist in the collection of wages and benefits due an employee. Private employment agencies are also licensed through the Division.

- In calendar year 2003, 2,215 Wage Claims were filed.
- Individuals filing wage claims claimed a total of \$3,279,949 in unpaid wages.
- Of the wage claims filed, 1,409 Wage Claims were paid.
- ESB collected a total of \$1,064,419 for Claimants.
- ESB held 117 Hearings, issued 429 orders, and handled approximately 40,000 telephone inquiries regarding labor-related issues.
- Twelve presentations on Utah Payment of Wages statute were delivered at Small Employer Business Workshop.

## Employment Discrimination

UALD is responsible for the enforcement of the Utah Antidiscrimination Act prohibiting discriminatory employment practices on the basis of a person's race, color, religion, sex, national origin, or disability. The Division's primary function is to effectively mediate and investigate charges of unlawful employment discrimination. The division provides general information and education to employees and employers in assisting them in understanding both their rights as well as their responsibilities under state and federal equal employment opportunity laws. UALD has entered into a work-share agreement with the Equal Employment Opportunity Commission (EEOC), and as such, charges of employment discrimination are dual filed with EEOC.

- In 2003, UALD received 1,047 charges of employment discrimination with the most number of charges alleging disability or gender discrimination. Charges predominantly allege discrimination based upon discharge and harassment.
- The Division issued 133 decisions with 19 appeals filed. 4 cases were sent to the Legal Division for Enforcement and Compliance.
- UALD closed 702 charges of discrimination with Complainants receiving \$1,220,490 in benefits.
- For 2003, the average time to close a case was 271 days.

### Fair Housing:

Fair Housing is responsible for the enforcement of the Utah Fair Housing Act which prohibits discriminatory housing practices on the basis of a person's race, color, religion, sex,

national origin, familial status, source of income and disability. The primary function of the office is to mediate, investigate and conciliate complaints of housing discrimination. The Fair Housing Office also provides general information and education to the public with regard to fair housing laws and assists property owners, managers, real estate professionals, and lenders in complying with these laws. The Fair Housing Office is funded largely through a cooperative agreement with the U.S. Department of Housing and Urban Development (HUD). Complaints of housing discrimination filed with UALD are dual filed with HUD.

Across the country, the number of housing discrimination complaints has dropped substantially over the years, with a similar trend in Utah. However, in 2003, the agency saw an increase from the previous year.

- In 2003, UALD received 31 complaints, compared with 17 complaints in 2002.
- UALD resolved 24 cases: 2 waived to HUD; 8 Conciliation; 1 Failure to Cooperate; 8 No Cause Determinations; 2 Unable to Locate complainants, and 3 Withdrawals.

### Alternative Dispute Resolution (ADR) Unit

The ADR Unit and Resolutions Conference process has proven to be a highly successful method of resolving wage claims and charges of employment and housing discrimination filed with UALD. By providing a voluntary opportunity for the parties to resolve their dispute, the Resolutions Conference is an expeditious means of addressing claims with less cost to the parties, both emotionally and financially.

During calendar year 2003,

- ADR held a total of 540 employment related Resolution Conferences and closed a total of 240 charges.
- A total of 19 fair housing Resolution Conferences were held and ADR closed a total of 5 fair housing charges.
- A total of 382 wage claim Resolution Conferences were held and ADR closed a total 207 wage claims.
- A review of the data reflects that ADR held a grand total of 941 Resolution Conferences and closed a grand total of 452 charges, for a closure rate of 48 %. ADR settled charges/claims in the amount of \$832,761. In addition to monetary settlements, issues were resolved through other means such as, letters of apology, letters of recommendation, promotions, reinstatement and providing civil rights training to management and non-management employees.
- EEOC Joint Outreach Seminar: Annual Technical Assistance Program (TAPS).
- Working with the Department of Workforce Services (DWS), UALD participated in a booth at the DWS "Roads to Success" designed to reach both job seekers and employers, and two DWS workshops for employers and managers.
- Participated in the monthly new employer training at the Utah State Tax Commission.
- Co-sponsored "Look at the Facts, not the Faces" with the U.S. Department of Justice and the Multi-Cultural Legal Center on Immigration Related Unfair Employment Practices; and participated in a "Know Your Legal Rights and Resources Community Forum".
- Presented a Continuing Legal Education (CLE) to the Employment Law Section of the Utah State Bar, "Helpful Hints in working with UALD.

## Education & Outreach

As part of its mission to educate employees, employers, housing providers, real estate professionals and lenders on state and federal labor, employment discrimination, and housing discrimination laws, UALD participated in a number of educational and outreach opportunities reaching over 750 people.

- UALD received federal funding in the amount of \$95,406 from HUD as a Partnership Initiative to implement a Fair Housing Education & Outreach Project. With this funding, UALD hired a full time Fair Housing Education & Outreach Coordinator who is bilingual.
- The division participated in a number of community events including the "Paisano Picnic" with the Mexican Consulate; the Race & Disability Summit sponsored by the Disability Law Center and made presentations to Fair Housing Forum and the Utah Housing Coalition.
- Signed Pledge to Racial and Ethnic Diversity coordinated by Utah Minority Bar Association.
- Received National HUD award for Partnership Initiative, Fair Housing Education and Outreach Campaign.



## INDUSTRIAL ACCIDENTS DIVISION

Joyce Sewell is the Director of the Industrial Accidents Division. Ms. Sewell graduated from the University of Utah with a Master Degree in Public Administration. Prior to joining the Commission, she held administrative positions in several other states. Ms. Sewell is currently serving as the President of the Western Association of Workers' Compensation Boards and Commissions.

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**Mission Statement:** To monitor and assist in the prompt payment of compensation to injured workers and their return to the workforce.

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### Primary Functions

The Industrial Accidents Division is composed of five sections:

- Claims
- Dispute Resolution
- Uninsured Employers' Fund
- Insurance Compliance
- Employers' Reinsurance Fund

The Division is proactive in resolving claims disputes, pursuing employers for compliance with the insurance requirement, assisting employees and employers in returning the injured worker to the workplace and in managing the assets of the Uninsured Employers' Fund and Employers' Reinsurance Fund.

### Accomplishments

- All insurance information is now electronically received.
- 50% of all claims information is received electronically.
- 20% increase in number of cases settling without need for hearing through Dispute Resolution.
- Continual monitoring of employers for workers' compensation insurance. Those without are penalized to

level the playing field for all businesses.

- Injured workers are assisted with claims questions within 24 hours.
- Injured workers receive assistance in resolving minor disputes with their insurance carriers within an average of three days.

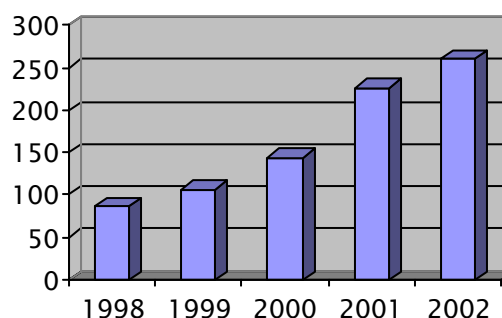
### CLAIMS

The Claims section handles over 40,000 phone calls per year regarding workers' compensation issues, information or complaints. The section also handled over 65,000 Employers' First Report of Injury forms.

### DISPUTE RESOLUTION

This section exists for the purpose of resolving cases through an informal process when possible, alleviating the need to file for a hearing.

Cases Settled Through Mediation

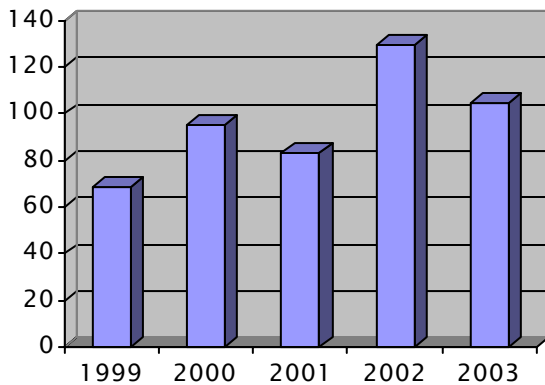




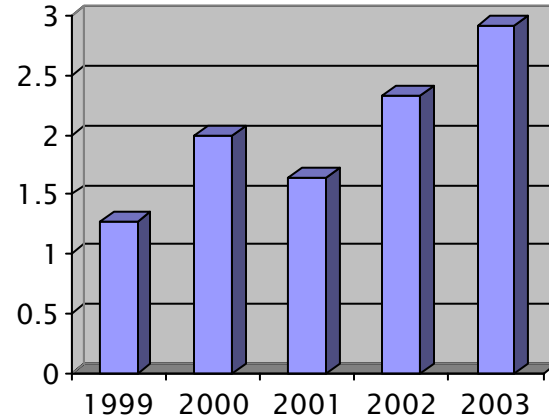
## UNINSURED EMPLOYERS' FUND-

The Uninsured Employers' Fund (UEF) administers the payment of benefits to injured workers of uninsured and insolvent employers and investigates the compensability and the solvency of the uninsured employer on all claims filed against the uninsured employer.

Uninsured Employer's Fund  
New Claims



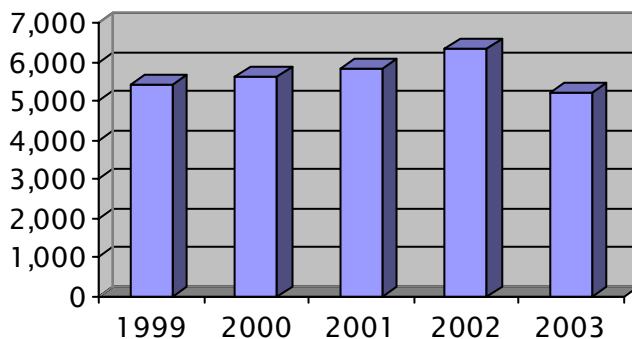
Disbursements From UEF  
(In Millions)



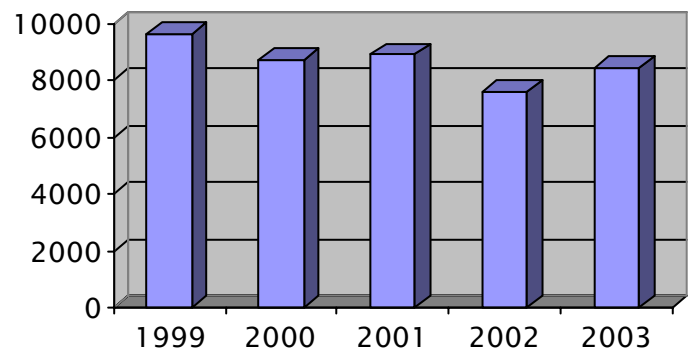
## INSURANCE COMPLIANCE

The Insurance Compliance section investigates uninsured employers in order to bring their employees under the protective blanket of workers' compensation. Over \$7 million in fines were assessed from FY99 – FY03 as a result of non-compliance of uninsured employers resulting in a potential savings to the UEF of over \$5 million in that same time period. All information for insurance requirements can be received electronically which allows for expedited processing of applications and certificates for those qualified to become self-insured.

Number of Employers Investigated  
(Calendar Year)



Number of Employees Gaining  
Coverage



## EMPLOYERS' REINSURANCE FUND

This fund is responsible for paying permanently and totally disabled workers who were injured prior to July 1, 1994. There are 1,750 individuals utilizing this fund receiving over \$22 million in benefits each year.



## INFORMATION TECHNOLOGY

William D. Gerow directs Information Technology. Mr. Gerow graduated from Brigham Young University and began his career on the design team of the Galileo project at Jet Propulsion Laboratory. He later worked for Texas Instruments on Dept. of Defense projects. He came to the Commission in 1992 and was charged to move the Commission off their legacy Wang system and bring computer operations into alignment with more modern practices. The Commission has been following his original plan for the past twelve years.

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**Mission Statement:** To provide the technology to the Labor Commission that will enable employees to better serve the public.

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### Primary Functions

As the workforce continues to grow, Information Technology assists the Commission to handle the increased workload without increasing staff size. It is critical that the Commission remain proactive in improving processes and technology to aid the citizens of Utah. As demand increases to be more accessible to the public, the Commission will need to continue to move forward into more progressive technology.

A rigorous Information Technology Plan is in place which will move the Labor Commission onto more productive fully automated applications. The new applications included in this plan include time saving features such as automatic correspondence, tracking of cases from respective divisions, automatic critical date notification and easily attainable statistics on every item of data tracked.

### Accomplishments

The following applications were successfully updated or completed in FY04:

- The Adjudication Division was moved from their antiquated

Paradox based tracking system to a new system they affectionately call SPUD. This new system tracks all cases submitted. It has many workflow enhancing features such as automated letter generation, automated email notifications, tickler to-do lists, standardization of names and addresses, more accurate tracking and reporting.

- The Commission receives data feeds daily from insurance companies nationwide. This data provides information on what employers are remaining current with their Workers' Compensation Insurance policies. The IT group works diligently with these insurance carriers to improve how this data is sent and received
- The IT group added a Pressure Vessel Inspection tracking component to the Safety Division Boiler and Elevator Inspection tracking system.

Although the IT staff is minimal, by using object-oriented programming methods, the staff is able to create these applications with a minimum of time and budget.





## LEGAL COUNSEL

Alan L. Hennebold serves as Deputy Commissioner and General Counsel for the Commission. Mr. Hennebold graduated from the University Of Oregon School Of Law. He engaged in private practice for four years, served as an Administrative Law Judge and legal counsel for the Utah Department of Employment Security, and also as an Administrative Law Judge for the Utah Tax Commission. He has been with the Labor Commission since 1994.

**Mission Statement:** In cooperation with the Utah Attorney General, to provide representation and counsel to the Utah Labor Commission.

### Primary Functions

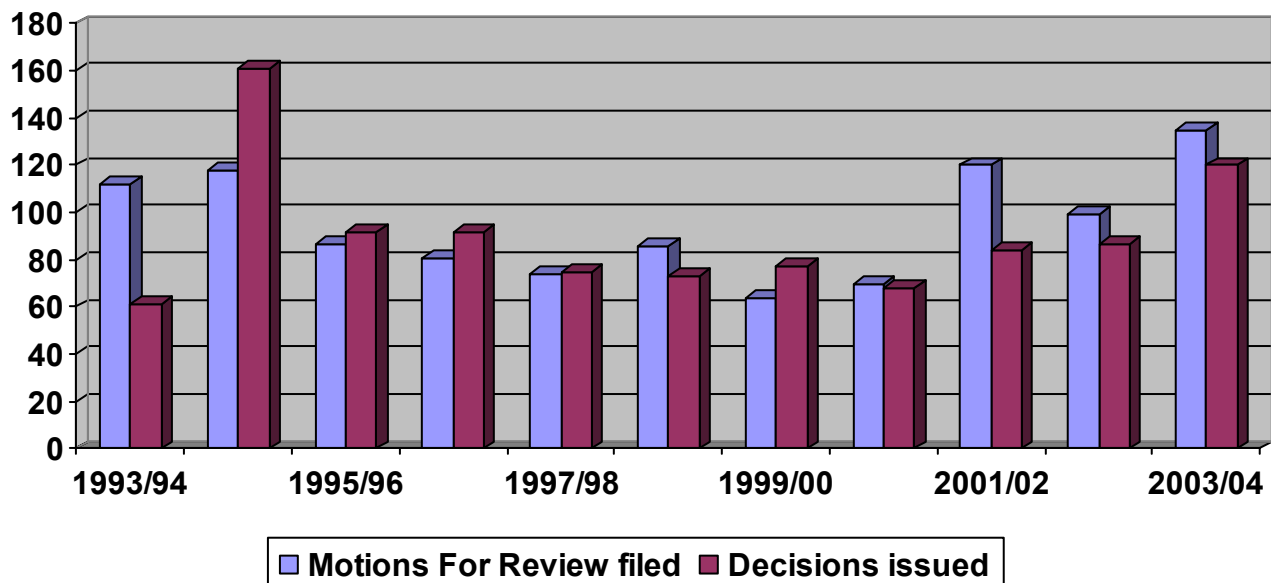
Under the authority of the Utah Attorney General, the Commission's Legal Unit advises the Labor Commission and its divisions on legal issues and provides representation in litigation related to the Commission's activities.

### Accomplishments

#### Final agency decisions:

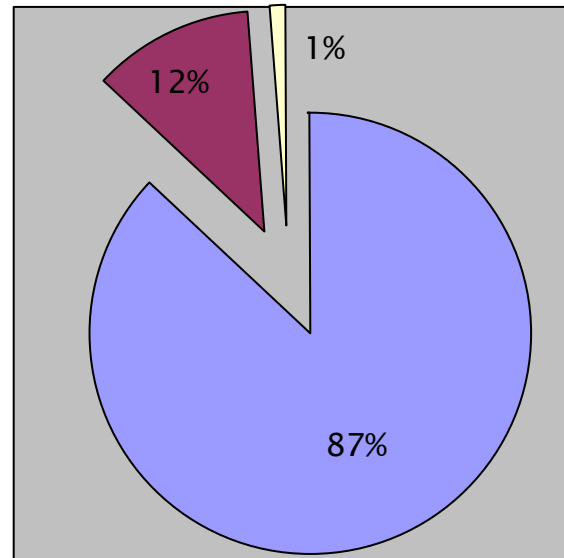
A party dissatisfied with an Administrative Law Judge's decision

can appeal to either the Appeals Board or the Labor Commissioner. One of the Legal Unit's primary responsibilities is assisting the Appeals Board and Commissioner in resolving these appeals. The last three years have produced high numbers of appeals and a similar increase in the number of decisions issued by the Board and Commissioner. (See chart below). Currently, 41 motions for review are pending, with an average age of 67 days.



## Cases Appealed to the Board of Appeals and Labor Commissioner

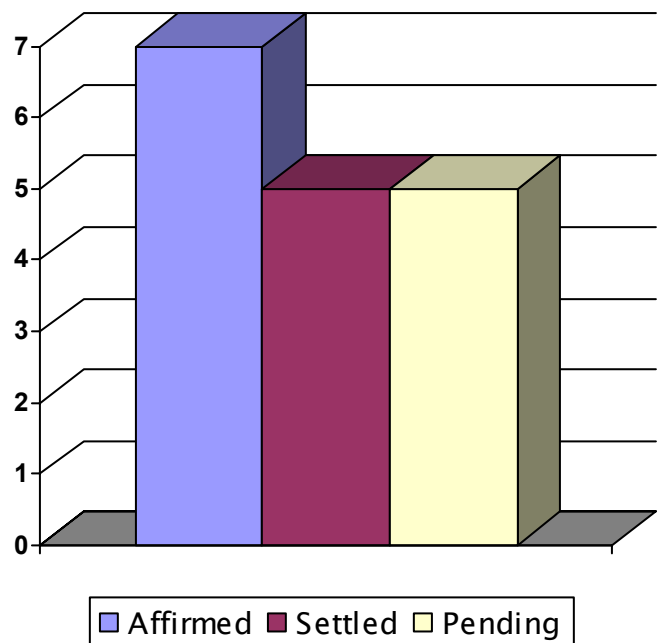
Most cases appealed to the Board and Commissioner involve workers' compensation cases. Employment discrimination and occupational safety appeals account for the remainder. (Figure on right). The Board and Commissioner affirmed the Administrative Law Judges' decisions in 68% of the cases. This rate has stayed approximately the same for the last ten years.



■ Work Comp.  
■ Employment Discrimination  
■ Occupational Safety

## Judicial review of Commission and Board decisions

The Utah Court of Appeals has jurisdiction to review decisions of the Commissioner and Appeals Board. The Legal Unit represents the Board and Commission in these appellate review proceedings. During the last year, 17 of the Commissioner and Board's decisions were appealed to the Utah Court of Appeals. Figure at right shows the results to date.



■ Affirmed ■ Settled ■ Pending



## SAFETY DIVISION

Pete C. Hackford is the Director of the Safety Division. Mr. Hackford attended Utah State University and Weber State University and began his career with the United States Navy. He came to the Commission in 1991 as a boiler inspector. He currently serves on the National Board of Boiler and Pressure Vessel Inspectors and the American Society of Mechanical Engineers.

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**Mission Statement:** To ensure public and employee safety by inspecting new and existing boilers, pressure vessels, and elevators.

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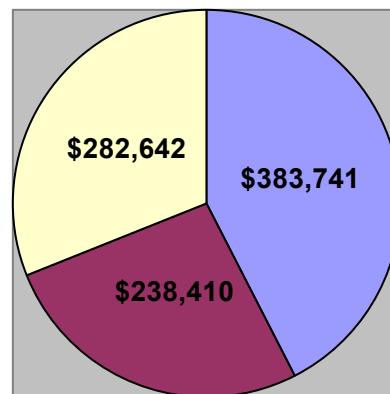
### Primary Functions

The Safety Division was established to ensure that a safe environment exists in every place where workers or the public may be exposed to boilers, pressure vessels, elevators, or escalators through a program of safety inspections and certifications.

### Accomplishments

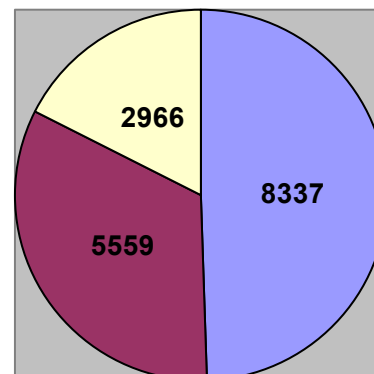
- The Division has implemented a new computer database to streamline efforts in inspection and certification. This has enabled the division to handle an increasing number of inspections and certifications with a decrease in the amount of inspectors due to budget cuts and a limited number of support staff.
- In an on-going effort to remain current with new technologies, the Division emphasizes schooling and training for personnel.
- As mandated by state law, the Safety Division is self-funded by the revenues collected from the fees associated with boiler, pressure vessel, and elevator inspection.

### Revenues Generated FY02 & FY03



■ Boiler Insp. (Labor Comm) Pressure Vessel  
 ■ Boiler Insp. (Ins. Co.) Pressure Vessel  
 ■ Elevator Insp.

### Safety Inspections FY02 & FY03



■ Boiler Insp. (Labor Comm) Pressure Vessel  
 ■ Boiler Insp. (Ins. Co.) Pressure Vessel  
 ■ Elevator Insp.



## UTAH OCCUPATIONAL SAFETY & HEALTH

Larry A. Patrick functions as the Program Administrator. Mr. Patrick holds a BS degree from the U.S. Naval Academy and an MS degree from the University of Pittsburgh. He came to the Commission in 1997 after serving in the submarine service and private sector nuclear, hazardous waste management, and safety industries.

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**Mission Statement:** To provide safety and health assistance through consultation, training, and education for employees and employers, and by establishing and enforcing occupational safety and health standards.

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### Primary Functions

The Federal Occupational Safety and Health Act of 1970 gives a state the right, upon approval to conduct its own safety and health program which must be at least "as effective as" a federal program. Utah's safety and health program received federal approval in 1985. While the Utah program is very similar to a federal program, there are key differences. The Utah program has jurisdiction over a broader range of employers including state and local governmental employers. The federal program is for employers with 10 or more employees while Utah's is for employers with one or more employees.

The Utah program is divided into three main elements; compliance, consultation, and data/statistics, and is managed by the Utah Occupational Safety and Health (UOSH) Division.

### Compliance

The Compliance section is the enforcement branch of UOSH. It conducts inspections and investigations of workplaces to assure compliance with Utah occupational safety and health laws. It is a regulatory agency with the authority to issue citations and financial penalties. The Compliance organization also offers compliance

assistance including the Voluntary Protection Program (VPP) and public sector consultation. VPP is a comprehensive, voluntary program that recognizes exemplary workplace safety and can essentially make an employer self-regulating if specified criteria is met.

### Consultation

The Consultation section offers no-cost consultation services (surveys, training, assistance) to private sector employers. Priority is given to small employers (<250 employees) in high hazard industries. Employers can voluntarily request safety and health surveys without having penalties assessed for any deficiencies noted. The Consultation section also manages the Safety and Health Achievement Recognition Program (SHARP) which recognizes smaller employers with exemplary safety and health programs.

### Data and Statistics

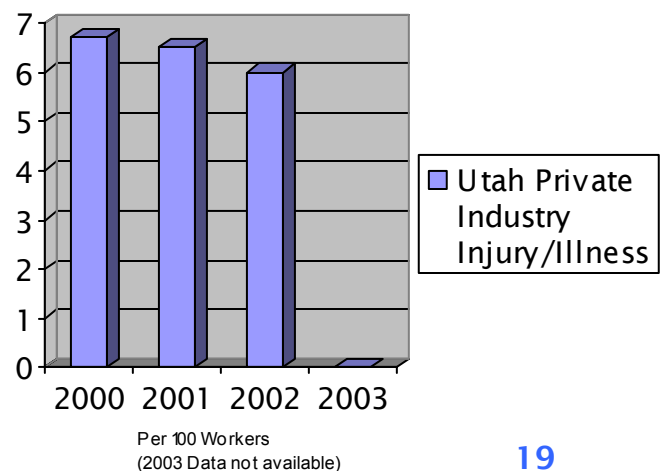
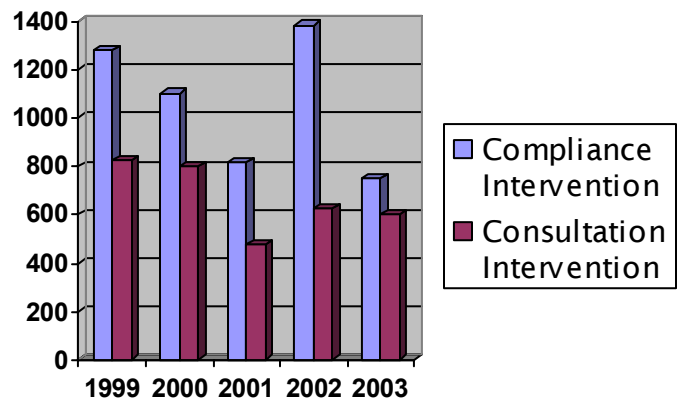
The Data and Statistics section collects and inputs workplace safety statistics from employers and from UOSH inspections. This information can be used to identify and correct hazards which could cause injury and illnesses. Reduced injury and illness rates can result in lower workers' compensation costs. UOSH uses injury and illness statistics to guide the planned inspection program.

## Accomplishments

- A Data and Statistics Reporting group was established. This places internal (UOSH) and Bureau of Labor Statistics data management in the same organization.
- UOSH expanded its Voluntary Protection Program (VPP) which had been dormant for approximately 10 years. VPP Merit status was awarded to GE Medical in June. Nine additional Utah employers are in some stage of being considered for the VPP.
- UOSH developed and implemented a Safety and Health Achievement Recognition Program (SHARP). Utah's first SHARP recipient, Sweet's Candy Company, was recognized in September. Two other Utah employers will qualify following a probationary period.
- UOSH implemented a compliance assistance/public sector consultation program which now provides a newsletter to help employers with safety and health issues. Outreach activities focused on Spanish speaking workers, youth workers and immigrant workers.
- UOSH implemented an overall strategy to move the occupational safety and health program to more closely mirror a federal program. This will allow employers from federal jurisdiction states to more quickly adapt to Utah requirements.
- Compliance personnel worked

with other agencies to improve workplace safety and health. U. S. EPA - ammonia refrigeration systems; OSHA - electric power generation and transmission; Utah DEQ - lead and asbestos safety and health issues.

Fatalities/injuries/illnesses are influenced by factors other than UOSH interventions such as employer safety and health programs. The private industry injury/illness and compliance/consultation intervention charts are provided as examples of workplace safety statistics UOSH tries to influence through their direct intervention with employers. (Intervention is determined by services provided greater than 30 minutes in duration provided to reduce workplace fatalities, injuries or illnesses.)



## AWARDS, HONORS AND AFFILIATIONS

**Thomas Beppu, Assistant Chief Elevator Inspector.** Board of Directors, American Society of Mechanical Engineers/National Association of Elevator Safety Authorities; Board of Certifications, American Society of Mechanical Engineers/National Association of Elevator Safety Authorities

**Tori Burns, UOSH Compliance Manager.** Served as President to the Utah Section of the American Industrial Hygienist Association and was also inducted into Delta Omega, honorary society for graduate studies in public health.

**R. Lee Ellertson, Commissioner.** Board of Directors of the National Association of Government Labor Officials (NAGLO)

**Pete Hackford, Safety Division Director.** Member of American Society of Mechanical Engineers Post Construction Committee, Safety Relief Valve Requirements Committee, subcommittee on Boiler and Pressure Vessel Accreditation, Boiler and Pressure Vessel Conference Committee; member of National Board of Boiler and Pressure Vessel Inspectors National Board Inspection Code Committee; American Petroleum Institute Joint ASME/National Board Repair and Testing Committee.

**Sherrie Hayashi, Utah Antidiscrimination & Labor Division Director.** 2003 Pathfinder Award from the Salt Lake Chamber of Commerce.

**Michael Pedersen, Chief Boiler Inspector.** Member Utah Fire Code Analyst Committee.

**Joyce Sewell, Industrial Accidents Division Director.** President of Western Association of Workers' Compensation Boards and Commissions; past president of International Association of Industrial Accidents Boards and Commissions; member of Pi Alpha Alpha, the honor society for public affairs and administration.

**Eldon Tryon, UOSH Senior Industrial Hygienist Consultant** - Served as President of the Utah Chapter of the American Society of Safety Engineers and was awarded Safety Professional of the Year by the Chapter.